

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Amber Marie Burley

Docket No. 7:10-MJ-1178-1

Petition for Action on Probation

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Amber Marie Burley, who, upon an earlier plea of guilty to Simple Possession, in violation of 21 U.S.C. § 844, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on September 22, 2011, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay a \$25 special assessment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 22, 2011, Burley tested positive for marijuana during an office appointment. At that time, the defendant denied the results of the test. On December 8, 2011, the probation officer received confirmation from the laboratory confirming the positive test results. On December 16, 2011, the defendant admitted to the probation officer she used marijuana the weekend of November 5, 2011, after attending a funeral in Fayetteville, North Carolina.

As the court is aware, the defendant was originally sentenced under the provisions of 18 U.S.C. § 3607 to a 12-month term of special probation. On September 22, 2011, the special probation term was revoked after the defendant tested positive for marijuana on June 30, 2011. Substance abuse assessment results recommended Burley participate in outpatient group treatment at Palm Wellness Center in Jacksonville, North Carolina. She is currently attending weekly group treatment sessions.

As a sanction for the violation, the probation officer respectfully recommends the conditions of supervision be modified to include a 30-day term of home detention with electronic monitoring. In consideration of the defendant's financial status, it is not recommended she pay for the monitoring services.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

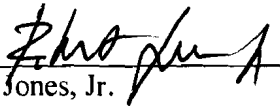
/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
472-C Western Blvd.
Jacksonville, NC 28546-6862
Phone: (910) 347-9038
Executed On: December 21, 2011

ORDER OF COURT

Considered and ordered this 21 day of December, 2011, and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge